

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JANET CHLENTZOS-WILLIAMS,

Plaintiff,

v.

BURIEN/KING COUNTY DISTRICT
COURT,

Defendant.

CASE NO. 3:21-cv-05563

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

This matter comes before the Court on Plaintiff's motion to proceed *in forma pauperis* (Dkt. 1). Plaintiff's complaint alleges civil rights violations stemming from an incident in 2013 when the Burien District Court allegedly denied her to opportunity to present claims to a judge. Dkt. 5 at 5.

As a threshold matter, Plaintiff's motion should be denied because she alleges violations stemming from 2013, which is well past the applicable three-year statute of limitations. *See Boston v. Kitsap Cnty.*, 852 F.3d 1182, 1185 (9th Cir. 2017). Because statute of limitations is an insurmountable barrier to bringing such a claim so further amendment would be futile, dismissal with prejudice appears to be proper. *See Moss v. U.S. Secret Service*, 572 F.3d 962, 972 (9th Cir. July 16, 2009).

Furthermore, Plaintiff's statement that "my civil rights [were] violated when turned away in Sept. 2013 from Clerk's Desk to present my cases to a Judge" does not comply with Federal Rule of Civil Procedure Rule 8, which requires "a short and plain statement showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). While it is a short and plain statement, it does not show that Plaintiff is plausibly entitled to relief.

Finally, the Burien District Court does not appear to be a proper defendant because it is a municipal department. A plaintiff may only bring a civil rights claim pursuant to 42 U.S.C. § 1983 against "persons," and while a municipality may be considered a "person," a municipal department may not. *See Nelson v. Cnty of Sacramento*, 926 F. Supp. 2d 1159, 1170 (E.D. Cal. 2013).

Therefore, the Court does hereby **ORDER:**

- The Court **ADOPTS** the Report and Recommendation (Dkt. 7);
- Plaintiff's Complaint (Dkt. 5) **IS DISMISSED** with prejudice;
- The remaining motions pending before the Court in this matter **ARE DENIED** as moot;
- This case **IS CLOSED**.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

Dated this 15th day of October, 2021.



ROBERT J. BRYAN
United States District Judge